

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

DISNEY ENTERPRISES, INC.; SANRÍO, INC.;  
TIME WARNER ENTERTAINMENT  
COMPANY, L.P., a limited Delaware  
partnership; THE CARTOON NETWORK, LP,  
LLLP; HANNA-BARBERA PRODUCTIONS,  
INC., and DC COMICS,

Plaintiffs

v.

CIVIL 03-1314 (SEC)

VANIDADES ESCÁNDALOS; EL KIOSKITO;  
ATACATUM; 1 to SEVEN; TELAS 2000;  
SMYQ; BADRAN STORES; JESÚS FORTIS  
d/b/a MUNDO DE CURIOSIDADES; LINICOL  
FANTASY; GUAYAMA UNIFORMS; J&R  
PROFESSIONAL PRINTING,

Defendants

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Upon consideration of plaintiffs' "Motion for Final Default Judgment and Other Orders" (Docket No. 107) and this court having considered the evidence of record including the affidavits and exhibits submitted, it is hereby RECOMMENDED that the court enter the following:

PERMANENT INJUNCTION

A Permanent Injunction is entered against defendants 1 to Seven, Atacatum, Badran Stores, El Kioskito, Guayama Uniforms, J&R Professional Printing, Linicol Fantasy, Mundo de Curiosidades, SMYQ, Telas 2000, and Vanidades Escándalos,

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4 pursuant to Federal Rule of Civil Procedure 65, forever enjoining these defendants,  
5 their officers, agents, servants, employees, and attorneys and upon those persons  
6 in active concert or participation with them:

- 7       a. From manufacturing, procuring, distributing, shipping, retailing,  
8 selling, advertising, or trafficking in any merchandise, including  
9 apparel, bags, jewelry, or related merchandise not authorized by the  
10 plaintiffs, bearing unauthorized simulations, reproductions,  
11 counterfeits, copies, or colorable imitations of the plaintiffs'  
12 trademarks, or bearing a design or image which is of a substantially  
13 similar appearance to the plaintiffs' copyrights listed on Exhibit "A" to  
14 the complaint;  
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16       b. From passing off, inducing, or enabling others to sell or pass off as  
17 authentic products produced by the plaintiffs or otherwise authorized  
18 by the plaintiffs, any product not manufactured by the plaintiffs or  
19 produced under the control or supervision of the plaintiffs and  
20 approved by the plaintiffs, which utilized any of the plaintiffs'  
21 trademarks or copyrights listed on Exhibit "A" to the complaint;  
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23       c. From committing any act calculated to cause purchasers to believe that  
24 the defendant(s) products are those sold under the control and  
25 supervision of the plaintiffs, or are sponsored, approved, or guaranteed  
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by the plaintiffs, or are connected with and produced under the control or supervision of the plaintiffs;

d. From further diluting and infringing the plaintiffs' trademarks and copyrights and damaging their goodwill;

e. From causing, aiding, or abetting any other person from doing any act proscribed under a through d above.

IT IS FURTHER RECOMMENDED that the court enter the following:

FINAL JUDGMENT

Judgment is hereby entered against defendants 1 to Seven, Atacatum, Badran Stores, El Kioskito, Guayama Uniforms, J&R Professional Printing, Linicol Fantasy, Mundo de Curiosidades, SMYQ, Telas 2000, and Vanidades Escándalos and in favor of the plaintiffs as noted more specifically below:

1. 1 to Seven

To Disney Enterprises, Inc.:  
For violation of its' "Winnie the Pooh"  
copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

To Sanrío, Inc.:  
For violation of its' "Hello Kitty"  
copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

Total Judgment \$20,000.00

2. Atacatum

To Sanrío, Inc.:  
For violation of its' "Hello Kitty"  
copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

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Total Judgment	\$10,000.00
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## 3. Badran Stores

To Disney Enterprises, Inc.: For violation of its' "Pluto" copyright, pursuant to 17 U.S.C. § 504	<u>\$10,000.00</u>
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To Hanna-Barbera Productions, Inc.: For violation of its' "Scooby-Doo" trademark, pursuant to 15 U.S.C. § 1117(c)(1)	<u>\$ 5,000.00</u>
For willful use of a counterfeit mark, pursuant to 15 U.S.C. § 1117(c)(2)	<u>\$ 5,000.00</u>

Total Judgment	\$20,000.00
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## 4. El Kioskito

To Sanrío, Inc.: For violation of its' "Hello Kitty" copyright, pursuant to 17 U.S.C. § 504	<u>\$10,000.00</u>
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Total Judgment	\$10,000.00
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## 5. Guayama Uniforms

To Disney Enterprises, Inc.: For violation of its' "Winnie the Pooh" copyright, pursuant to 17 U.S.C. § 504	<u>\$10,000.00</u>
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Total Judgment	\$10,000.00
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## 6. J&amp;R Professional Printing

To Disney Enterprises, Inc.: For violation of its' "Mickey Mouse" copyright, pursuant to 17 U.S.C. § 504	<u>\$10,000.00</u>
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To Sanrío, Inc.: For violation of its' "Hello Kitty" copyright, pursuant to 17 U.S.C. § 504	<u>\$10,000.00</u>
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To Hanna-Barbera Productions, Inc.:

For violation of its' "Scooby-Doo" trademark,

pursuant to 15 U.S.C. § 1117(c)(1) \$ 5,000.00

For willful use of a counterfeit mark,

pursuant to 15 U.S.C. § 1117(c)(2) \$ 5,000.00

Total Judgment

\$30,000.00

## 7. Linicol Fantasy

To Disney Enterprises, Inc.:

For violation of its' "Winnie the Pooh"

copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

To Sanrío, Inc.:

For violation of its' "Hello Kitty"

copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

Total Judgment

\$20,000.00

## 8. Mundo de Curiosidades

To Sanrío, Inc.:

For violation of its' "Hello Kitty"

copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

Total Judgment

\$10,000.00

## 9. SMYQ

To Disney Enterprises, Inc.:

For violation of its' "Winnie the Pooh"

copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

To Sanrío, Inc.:

For violation of its' "Hello Kitty"

copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

Total Judgment

\$20,000.00

## 10. Telas 2000

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To Sanrío, Inc.:

For violation of its' "Hello Kitty"

copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

Total Judgment

\$10,000.00

## 11. Vanidades Escándalos

To Disney Enterprises, Inc.:

For violation of its' "Minnie Mouse"

copyright, pursuant to 17 U.S.C. § 504 \$10,000.00

To The Cartoon Network, LP, LLLP:

For violation of its' "PowerPuff Girls" trademark,

pursuant to 15 U.S.C. § 1117(c)(1) \$ 5,000.00

For willful use of a counterfeit mark,

pursuant to 15 U.S.C. § 1117(c)(2) \$ 5,000.00

Total Judgment

\$20,000.00

IT IS FURTHER RECOMMENDED that all counterfeit merchandise seized from the above-noted defendants now in the plaintiffs' control may be destroyed or otherwise disposed of as the plaintiffs deem appropriate.

Under the provisions of Rule 72(d), Local Rules, District of Puerto Rico, any party who objects to this report and recommendation must file a written objection thereto with the Clerk of this Court within ten (10) days of the party's receipt of this report and recommendation. The written objections must specifically identify the portion of the recommendation, or report to which objection is made and the basis for such objections. Failure to comply with this rule precludes further appellate review. See Thomas v. Arn, 474 U.S. 140, 155 (1985), reh'g denied, 474 U.S. 1111 (1986); Davet v. Maccorone, 973 F.2d 22, 30-31 (1<sup>st</sup> Cir. 1992); Paterson-Leitch Co.

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4 v. Mass. Mun. Wholesale Elec. Co., 840 F.2d 985 (1<sup>st</sup> Cir. 1988); Borden v. Sec'y of  
5 Health & Human Servs., 836 F.2d 4, 6 (1<sup>st</sup> Cir. 1987); Scott v. Schweiker, 702 F.2d  
6 13, 14 (1<sup>st</sup> Cir. 1983); United States v. Vega, 678 F.2d 376, 378-79 (1<sup>st</sup> Cir. 1982);  
7 Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1<sup>st</sup> Cir. 1980).

8 At San Juan, Puerto Rico, this 29<sup>th</sup> day of April, 2005.  
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11 S/ JUSTO ARENAS  
12 Chief United States Magistrate Judge  
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